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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 MICHAEL KLETT,

7 Plaintiff,

8 v.

9 UNITED STATES GOVERNMENT,

10 Defendant.

Case No. 3:19-cv-00688-MMD-CLB

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION
OF MAGISTRATE JUDGE
CARLA L. BALDWIN

11 Plaintiff Michael Klett brings this civil rights case pursuant to 42 U.S.C. § 1983.
12 Before the Court is the Report and Recommendation of United States Magistrate Judge
13 Carla L. Baldwin (ECF No. 3) (“R&R”) relating to Plaintiff’s application to proceed *in forma*
14 *pauperis* (ECF No. 1) and *pro se* complaint (“Complaint”) (ECF No. 1-1). Plaintiff had until
15 February 18, 2018, to file an objection. To date, no objection to the R&R has been filed.

16 This Court “may accept, reject, or modify, in whole or in part, the findings or
17 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party
18 fails to object the Court is not required to conduct “any review at all . . . of any issue that
19 is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also*
20 *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the
21 magistrate judges’ findings and recommendations is required if, but *only* if, one or both
22 parties file objections to the findings and recommendations.”) (emphasis in original); Fed.
23 R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the court “need only satisfy
24 itself that there is no clear error on the face of the record in order to accept the
25 recommendation”).

26 Although no objection has been filed, this Court finds it appropriate to engage in *de*
27 *novo* review to determine whether to adopt Judge Baldwin’s R&R. Upon reviewing the
28 R&R and Complaint, the Court determines that the R&R should be accepted in full.

1 Judge Baldwin recommends that the Court grant Plaintiff's application to proceed
2 *in forma pauperis* because Plaintiff is unable to pay the filing fee in this matter. Judge
3 Baldwin further recommends that Plaintiff's lawsuit be dismissed with prejudice because
4 Plaintiff fails to meet the requisite pleading standards under Federal Rule of Civil
5 Procedure 8(a) and because further amendment of the Complaint would be futile. The
6 Court agrees that Plaintiff should proceed *in forma pauperis*. Having reviewed the
7 Complaint, the Court also finds in accordance with Judge Baldwin and will accept her
8 recommendation to dismiss this action with prejudice.


9 It is therefore ordered, adjudged and decreed that the Report and Recommendation
10 of Magistrate Judge Carla L. Baldwin (ECF No. 3) be accepted and adopted in its entirety.

11 It is further ordered that the Clerk of the Court file the Complaint (ECF No. 1-1).

12 It is further ordered that the Complaint is dismissed with prejudice and without leave
13 to amend.

14 It is further ordered that the Clerk enter judgment accordingly and close this case.

15 DATED THIS 24th day of February 2020.

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18 MIRANDA M. DU
19 CHIEF UNITED STATES DISTRICT JUDGE
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